

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : David G. Bird
Serial No. :
Filed :
For : LOCATION OF MISSING VEHICLES
Group : 2202
Examiner :

This application is for reissue
of patent No. 5,418,537
granted May 23, 1995, on
application serial No. 07/978,272
filed November 18, 1992

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May 22, 1997

COMMENTS ON FILING OF REISSUE APPLICATION

Assistant Commissioner for Patents
Washington, D.C. 20231

SIR:

This reissue application, filed to correct an error in the claims that occurred without any deceptive intention, includes claims that are in some sense broader than the claims of patent No. 5,418,537 to be reissued and is thus broadening within the meaning of 35 U.S.C. §251, fourth paragraph. The application is timely, since it is made within two years of May 23, 1995, on which date patent No. 5,418,537 was granted (MPEP 1412.03 (Rev. 2 July 1996)).

The claims of the reissue application are in another sense narrower than the patent claims and narrower than any claims presented during the prosecution of the application that resulted in the patent.

In particular, each of claims 28-32 is directed to a method of, or apparatus for, disclosing, as opposed to merely determining, the present location of a vehicle. A disclosure of a location entails a determination of the location, since a location cannot be disclosed unless it is determined; on the other hand, a determination of a location does not entail a disclosure of the location, since a location can be determined without being disclosed (i.e., it can be kept secret).

All of the claims require in one form or another a paging request. They are thus narrower in that respect than those claims of patent No. 5,418,537 that contain no such limitation.

Claims 46-49 moreover recite as a positive step notifying police or an owner or authorized operator of the vehicle of the present location of the vehicle. While certain of the claims of patent No. 5,418,537 contain a "whereby" clause relating to notification, none includes notification as a positively recited step.

The claims are patentable over the art of record in that each recites a combination of features including in one form or another a paging request. While paging is of course known, as indicated in the documents cited in the accompanying information disclosure statement, the combining of paging with the other elements of the claims is neither disclosed nor suggested by the prior art of record.

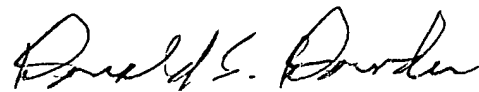
There are several advantages to the use of paging, including

that paging signals have greater penetration into tunnels and buildings than cellular telephone signals and that a cellular telephone consumes much more battery power in the standby position than does a receiver of a paging request, commonly called a pager. A pager is normally in a quiescent state in which it requires only enough power from the battery to run a quartz clock. It periodically powers up to check for a paging signal and then returns to a quiescent mode. Thus a pager will run for an extended period on a small battery. In contrast, a cellular telephone, which in the off position cannot detect an incoming call, in the standby position consumes energy at a rate high enough to run down a vehicle battery or separate battery pack provided for the cellular telephone very quickly.

Since a system of locating missing vehicles must operate reliably over an extended period to recover vehicles stolen from long-term parking at airports and garages, etc., reliance upon a cellular telephone without a pager to activate it has certain disadvantages that are overcome in accordance with the present invention.

Favorable action is respectfully solicited.

Respectfully submitted,
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_____ A check in the amount of _____ to cover the filing and recording fees.

X Please charge Deposit Account No. 03-3125 in the amount of \$1,759.00 (= \$1,734.00 for filing fee and \$25.00 for title report).

X The Commissioner is hereby authorized to charge any additional fees which may be required in connection with the following or credit any over-payment to Account No. _____:

X Filing fees under 37 C.F.R. §1.16.

X Patent application processing fees under 37 C.F.R. §1.17.

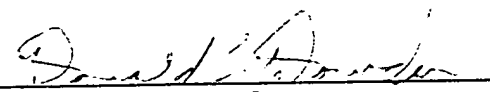
_____ The issue fee set in 37 C.F.R. §1.18 at or before mailing of the Notice of Allowance, pursuant to 37 C.F.R. §1.311(b).

X Three copies of this sheet are enclosed.

_____ A certified copy of previously filed foreign application No. _____ filed in _____ on _____ Applicant(s) hereby claim priority based upon this aforementioned foreign application under 35 U.S.C. §119.

X Other (identify) Comments on filing of reissue application;
Order for title report;
Request for transfer drawings
Consent of assignee to reissue offer of
surrender of letters patent, revocation of power of attorney and
appointment of new attorneys.

Respectfully submitted,


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